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17 *Attorneys for Defendant Apple Inc.*

19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 AliveCor, Inc.,

23 Plaintiff,

24 v.

25 Apple Inc.,

26 Defendant.

CASE NO. 4:21-CV-03958-JSW-SK

**DEFENDANT APPLE INC.'S  
 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL ITS DAUBERT MOTION  
 TO EXCLUDE THE TESTIMONY OF DR.  
 ROOZBEH JAFARI**

27  
 28 The Honorable Jeffrey S. White

1 Pursuant to Civil Local Rule 7-11, 79-5, and the Court's order on the parties' stipulation  
 2 regarding sealing of summary judgment filings (Dkt. No. 174), Defendant Apple Inc. ("Apple")  
 3 respectfully submits this interim motion to seal and to consider whether another party's material  
 4 should be sealed.

5 Apple moves to provisionally file under seal Apple Inc.'s *Daubert* Motion to Exclude the  
 6 Testimony of Dr. Roozbeh Jafari and related materials. The parties stipulated to a modified sealing  
 7 procedure in connection with summary judgment briefing and any related filings. Dkt. 174  
 8 ("Stipulation Regarding Summary Judgment Briefing and Sealing and Expert Discovery Deadline").  
 9 The Court granted the stipulation on April 28, 2023, in an Order that states the parties may "file their  
 10 summary judgment briefs and associated exhibits and supporting materials under seal initially, and  
 11 file a consolidated set of sealing materials—including redacted briefs, exhibits, and supporting  
 12 documents—after summary judgment briefing is complete." *Id.* at 3. Pursuant to that stipulation,  
 13 Apple submits its "summary judgment brief[] and associated exhibits and supporting materials under  
 14 seal" and will submit its consolidated set of sealing materials once summary judgment briefing is  
 15 complete. *Id.* The reasons for sealing will be discussed in a forthcoming sealing motion as part of  
 16 that consolidated set of sealing materials.

17 In particular, Apple seeks to provisionally seal the following materials:

<u>Document</u>	<u>Portion to Be Filed Under Seal</u>	<u>Designating Party</u>
Apple Inc.'s <i>Daubert</i> Motion to Exclude Opinions and Testimony of Dr. Roozbeh Jafari	Entire document	Apple and/or AliveCor
[Proposed] Order Granting Apple Inc.'s <i>Daubert</i> Motion to Exclude Opinions and Testimony of Dr. Roozbeh Jafari	Entire document	Apple and/or AliveCor

22 Apple seeks to seal information designated confidential or highly confidential by Apple and  
 23 by AliveCor. Apple takes no position on the merits of the confidentiality designations by AliveCor.

24 For the foregoing reasons, Apple respectfully requests that the Court grant Apple's  
 25 Administrative Motion to Seal.

1 DATED: July 27, 2023

GIBSON, DUNN & CRUTCHER LLP

2 By: /s/ Caeli A. Higney  
3 Caeli A. Higney

4 *Attorney for Defendant Apple Inc.*

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